IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 17759 of 2004

Between:

K. Sattaiah, S/o. Rajaiah,
R/o. 17-2-763, Madannapet, Hyderabad. **..... PETITIONER**

AND

1. The Secretary, Regional Transport Authority,

Hyderabad East Zone, Hyderabad.
2. The Inspector of Motor Vehicles, R.T.A.,

Hyderabad West Zone, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in seizing and detaining the petitioner's Maruti Van vehicle bearing Reg.No. AP-11-T-6020 under Vehicle Check Report No.662228 dt. 23-9-2004 without conducting any enquiry into the matter as illegal, arbitrary, unjust and consequently direct the respondents herein to release the vehicle without insisting the payment of tax and penalty and to grant such other relief.

Counsel for the Petitioner: MR.C.BHARGAVA SARMA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

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ORDER:

The subject matter that arises for consideration in this writ petition is squarely covered by the decision rendered by a Division Bench of this Court in ***'Saleem Tours and Travels vs. Joint Transport Commissioner and Secretary, R.T.A., Hyderabad and another'*** In terms of the law declared by this Court in the decision cited supra, any aggrieved person is required to file an application seeking release of the vehicle before the competent authority, and if no orders are passed thereon within three days, then only the aggrieved person may approach this Court by way of writ petition under Article 226 of the Constitution of India.

In the instant case, the petitioner claims to have submitted an application for release of the vehicle on 24-09-2004. The said application is required to be disposed of by the competent authority. In the circumstances, there shall be a direction directing the respondents to dispose of the application, if any, filed on 24-09-2004 by the petitioner in accordance with law. It shall always be open to the respondents to proceed further in the matter, pursuant to the vehicle check report.

It is stated by the learned Counsel for the petitioner that the vehicle had already been released pursuant to the directions of this Court, and now what remains for the authorities is to pass appropriate orders by duly taking the application of the

petitioner into consideration.

Writ Petition is accordingly disposed of. There shall be no order as to costs.

B. SUDERSHAN REDDY, J

22-11-2004

T.CH.SURYA RAO, J

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LUR/MSV

Copy to:

1. The Secretary, Regional Transport Authority,

Hyderabad East Zone, Hyderabad.
2. The Inspector of Motor Vehicles, R.T.A.,

Hyderabad West Zone, Hyderabad.

3. Two CCs to the G.P. for Commercial Taxes

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

4. Two CD copies.